



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 14

MCDERMOTT WILL & EMERY  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

**COPY MAILED**

**MAY 22 2003**

In re Application of  
Otsuka, et al.  
Application No. 09/988,017  
Filed: November 16, 2001  
Attorney Docket No.: 43887-168

:  
:  
: ON PETITION  
:  
:

**OFFICE OF PETITIONS**

The above-identified application has been referred to the Office of Petitions for consideration of the response filed February 19, 2002 in response to the Notice of Omitted Items in a Nonprovisional Application ("Notice") mailed February 8, 2002. This response is being treated as a petition to accord this application a filing date of November 16, 2001.

The application was filed November 16, 2001. The Notice mailed February 8, 2002 by the Office of Initial Patent Examination notified applicant that the application had been accorded a filing date but that the application appeared to have been deposited without Page 31 of the specification.

Petitioner argues for withdrawal of the Notice on the basis that the application as deposited included Page 31 of the specification. Petitioner has included as proof of mailing and proof of receipt of Page 31 a return postcard date stamped November 16, 2001 by the Office.

A copy of the original Page 31 of the specification purportedly filed with the application on November 16, 2001 has been supplied.

The original Page 31 of the specification submitted with the application papers has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of November 16, 2001 is GRANTED.

Since the original Page 31 of the specification cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

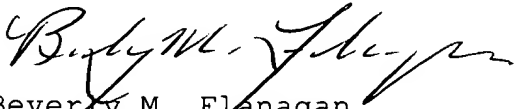
The petition fee of \$130.00 submitted with the instant petition is unnecessary. A refund from the Finance Office, Refund Section, has been requested on petitioner's behalf.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 16, 2001.

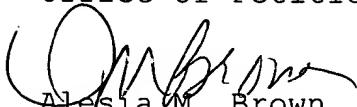
Application No. 09/988,017

2

Telephone inquiries related to this decision may be directed to  
Petitions Attorney Alesia M. Brown at (703) 305-0310.



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions



Alesia M. Brown  
Petitions Attorney  
Office of Petitions